

118TH CONGRESS  
1ST SESSION

# S. 2090

To amend the Clean Air Act to prevent the elimination of the sale of motor vehicles with internal combustion engines, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. MULLIN (for himself, Mr. MARSHALL, Mr. RICKETTS, Mr. CRUZ, Mr. BARRASSO, Mr. CRAMER, Mr. SULLIVAN, Mr. WICKER, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to prevent the elimination of the sale of motor vehicles with internal combustion engines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Choice in  
5 Vehicle Purchases Act of 2023”.

6 **SEC. 2. STATE STANDARDS.**

7 (a) AMENDMENTS.—Section 209(b) of the Clean Air  
8 Act (42 U.S.C. 7543(b)) is amended—

9 (1) in paragraph (1)—

1 (A) in subparagraph (A), by striking the  
2 comma at the end and inserting a semicolon;

3 (B) in subparagraph (B), by striking “,  
4 or” at the end and inserting a semicolon;

5 (C) in subparagraph (C), by striking the  
6 period at the end and inserting “; or”; and

7 (D) by adding at the end the following:

8 “(D) the State standards directly or indirectly  
9 limit the sale or use of new motor vehicles with in-  
10 ternal combustion engines (as defined in section  
11 63.9375 of title 40, Code of Federal Regulations (as  
12 in effect on January 1, 2023)).”; and

13 (2) by adding at the end the following:

14 “(4) SCOPE OF WAIVERS.—The Administrator may  
15 not determine that any State standard amended after the  
16 date of enactment of this paragraph is within the scope  
17 of a waiver granted under paragraph (1) before that date  
18 of enactment.”.

19 (b) EFFECT ON CERTAIN EXISTING WAIVERS.—The  
20 Administrator of the Environmental Protection Agency  
21 shall revoke a waiver that was granted under section  
22 209(b) of the Clean Air Act (42 U.S.C. 7543(b)) during  
23 the period that begins on January 1, 2022, and ends on  
24 the date of enactment of this Act if the Administrator of  
25 the Environmental Protection Agency finds that the waiv-

1 er does not comply with subparagraph (D) of paragraph  
2 (1) of that section (as amended by subsection (a)(1)(D)).

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